

1 Honorable James L. Robart
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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
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13 GERALD R. TARUTIS as Litigation Guardian
14 ad Litem of R.J.S., minor child; SVETLANA I.
15 SAVCHUK and SERGEY I. SAVCHUK,
16 parents of R.J.S.,

17 Plaintiff(s),
18 v.
19

20 SPECTRUM BRANDS HOLDINGS, INC., a
21 Delaware Corporation, SPECTRUM
22 BRANDS, INC., a Delaware Corporation, SS
23 BETHEL, LLC, a limited liability company
24 organized under the laws of the State of
25 Delaware, D/B/A as Star Struck, LLC,

Defendant(s).

NO. 2:13-CV-00761

DEFENDANT SPECTRUM BRANDS, INC.
INITIAL DISCLOSURES PURSUANT TO
F.R.C.P. 26(a)

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19 Defendant Spectrum Brands, Inc. ("Spectrum"), by and through its attorneys of
20 record, Preg O'Donnell & Gillett, PLLC, produces below the following disclosures
21 pursuant to Fed. R. Civ. P. 26(a). Documents produced are attached hereto. Any
22 documents not produced will be made available for copying or the reason for non-
23 disclosure is provided.
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DEFENDANT SPECTRUM BRANDS, INC. INITIAL
DISCLOSURES PURSUANT TO F.R.C.P. 26(a) - 1
10537-0002 5134753

PREG O'DONNELL & GILLETT PLLC
1800 NINTH AVENUE, SUITE 1500
SEATTLE, WASHINGTON 98101-1340
TELEPHONE: (206) 287-1775 • FACSIMILE: (206) 287-9113

1 **I. Individuals Likely to Have Discoverable Information**

2 1. Rita Collins
3 Manager Consumer Service
4 Must be contacted through counsel
5 Eric Gillett
6 C/O Preg O'Donnell & Gillett
7 1800 Ninth Avenue, Suite 1500
8 Seattle, WA 98101
9 (206) 287-1775

10 May testify regarding the type, number, and frequency of complaints received by
11 Spectrum as well as the complaint procedure in general.

12 2. Bob Jacus
13 Director, Product Marketing, Alkaline
14 Must be contacted through counsel
15 Eric Gillett
16 C/O Preg O'Donnell & Gillett
17 1800 Ninth Avenue, Suite 1500
18 Seattle, WA 98101
19 (206) 287-1775

20 May testify regarding the marketing efforts of Spectrum as well as the type of
21 products which were marketed. He may also testify regarding packaging and labeling of
22 products as well as the packaging and labeling of similar products in the industry at
23 large.

24 3. Joe Jacobus
25 Packaging Manager
26 Must be contacted through counsel
27 Eric Gillett
28 C/O Preg O'Donnell & Gillett
29 1800 Ninth Avenue, Suite 1500
30 Seattle, WA 98101
31 (206) 287-1775

32 May testify regarding the packaging used by Spectrum, packaging used by
33 Spectrum's licensees, as well as the packaging used in the industry at large.

1 4. Wesley Kieler
2 Associate Packaging Engineer
3 Must be contacted through counsel
4 Eric Gillett
5 C/O Preg O'Donnell & Gillett
6 1800 Ninth Avenue, Suite 1500
7 Seattle, WA 98101
8 (206) 287-1775

9
10 May testify regarding the packaging used by Spectrum, the specifications of
11 packaging used by Spectrum's licensees, as well as the packaging used in the industry
12 at large.

13 5. Michele Woolever
14 Associate Product Manager
15 Must be contacted through counsel
16 Eric Gillett
17 C/O Preg O'Donnell & Gillett
18 1800 Ninth Avenue, Suite 1500
19 Seattle, WA 98101
20 (206) 287-1775

21 May testify regarding CR2032 batteries and packaging produced and licensed by
22 Spectrum. May also testify regarding the negotiation of the licensing agreements with
23 Star Struck executed on Spectrum's behalf by Jim Heidenreich.

24 6. Janna Rose
25 Division Vice President, Round Cell Technology
26 Must be contacted through counsel
27 Eric Gillett
28 C/O Preg O'Donnell & Gillett
29 1800 Ninth Avenue, Suite 1500
30 Seattle, WA 98101
31 (206) 287-1775

32 May testify regarding Spectrum's efforts to license and manufacture of the
33 CR2032 battery and packaging as well as the industry standards that were accepted.

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1 7. Bradley Moore
2 Commodity Manager
3 Must be contacted through counsel
4 Eric Gillett
5 C/O Preg O'Donnell & Gillett
6 1800 Ninth Avenue, Suite 1500
7 Seattle, WA 98101
8 (206) 287-1775

9 May testify regarding the design, production and licensing of CR2032 batteries.

10 8. John Hadley
11 Director, Alkaline Battery Technology & Standards
12 Must be contacted through counsel
13 Eric Gillett
14 C/O Preg O'Donnell & Gillett
15 1800 Ninth Avenue, Suite 1500
16 Seattle, WA 98101
17 (206) 287-1775

18 May testify regarding the design and standards that have been adopted
19 regarding CR2032 batteries.

20 9. Kevin Domack
21 Director, Environmental, Health & Safety
22 Must be contacted through counsel
23 Eric Gillett
24 C/O Preg O'Donnell & Gillett
25 1800 Ninth Avenue, Suite 1500
26 Seattle, WA 98101
27 (206) 287-1775

28 May testify regarding the design and standards that have been adopted
29 regarding CR2032 batteries and regarding the CR2032 battery in general.

30 10. Sarah Owen
31 National Electrical Manufacturers Association
32 1300 North 17th Street, Suite 1752
33 Rosslyn, VA 22209
34 (703) 841-3245

35 May testify regarding the lithium coin cell battery (LCCB) development, warnings,
36 and industry actions related to LCCB.

11. Keith Sessler and other employees of SS Bethel/Star Struck
1 Contacted through their counsel

2 May testify regarding their actions and knowledge related to the CR2032 battery,
3 warnings, testing, and ingestion related issues.

4 12. Svetlana I. Savchuk
5 Plaintiff

6 May testify regarding her actions and those of her husband and child related to
7 the allegations contained in the complaint.

8 13. Sergey I. Savchuk
9 Plaintiff

10 May testify regarding his actions and those of his wife and child related to the
11 allegations contained in the complaint.

12 14. Doctors for R.J.S.
13 Contact information unknown

14 May testify regarding the medical treatment for R.J.S.

15 15. Employees of third-party CR2032 battery manufacturers

16 May tesify regarding the industry standards and packaging used for the CR2032
17 battery.

18 16. Employees of third-party manufacturers who produce products that use
19 CR2032 batteries

20 May testify regarding the design of the products which CR2032 batteries are
21 installed in and the requirements of the CR2032 battery as well as child access to
22 batteries from the products.

23 Discovery is ongoing and it is anticipated that additional witnesses will be
24 identified as discovery progresses. Witnesses identified above may be found to have
25 knowledge regarding additional topic areas and such information will be supplemented
in discovery.

1 **II. Documents Which Spectrum May Use at Trial**

No.	Description	Location
1.	Spectrum Brands License Agreement dated March 1, 2009	Previously produced
2.	Spectrum Brands License Agreement dated August 1, 2011	Previously produced
3.	ANSI standards for CR2032 batteries in force at the time relevant to the allegations contained in the Complaint	American National Standards Institute 1899 L Street, NW 11th Floor Washington, DC 20036
4.	Other professional committee standards for CR2032 batteries - such as IEC and NEMA - for periods of time related to allegations contained in the Complaint	Offices of the relevant professional committees
5.	Performance Specifications for the CR2032 battery	Spectrum Brands, Inc. 601 Rayovac Drive Madison, Wisconsin 53711
6.	Testing data related to the CR2032 battery	Spectrum Brands, Inc. 601 Rayovac Drive Madison, Wisconsin 53711
7.	Information provided by NEMA to physicians and medical personnel to aid in the diagnosis of battery ingestion	National Electrical Manufacturers Association 1300 North 17th Street Suite 1752 Rosslyn, Virginia 22209
8.	UL Standards for Lithium Batteries at times related to the allegations contained in the Complaint	UL Laboratories Government Services 1850 M. St. N.W., Suite 1000 Washington, DC 20036-5833
9.	Specifications for Dry Cells and Batteries at times related to the allegations contained in the Complaint	U.S. Dept. of Commerce 1401 Constitution Ave., NW Washington, D.C. 20230

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24 Discovery is ongoing and it is believed that additional documents will be identified
25 in discovery that will support Spectrum's various defenses in this matter.

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2 **III. COMPUTATION OF CATEGORIES BY DAMAGES CLAIMED BY THE**

3 **DEFENDANT**

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5 The Defendant is not counterclaiming for monetary damages at this time.

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8 **III. COPIES OF INSURANCE AGREEMENTS UNDER WHICH ANY PERSON**

9 **CARRYING ON AN INSURANCE BUSINESS MAY BE LIABLE TO SATISFY**

10 **PART OR ALL OF A JUDGMENT WHICH MAY BE ENTERED IN THE ACTION**

11 **OR TO INDEMNIFY OR REIMBURSE FOR PAYMENTS MADE TO SATISFY**

12 **THE JUDGMENT.**

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14 Please find attached the Hartford Insurance Policy and the Liberty Mutual
15 Insurance Policy that may satisfy part or all of a judgment which may be entered in this
16 action.

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18 **IV. RESERVATION**

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20 Spectrum reserves the right to call all witnesses disclosed by all parties in this
21 action, and also reserves the right to call additional witnesses identified through
22 discovery or investigation. Spectrum also reserves the right to use all evidence that is
23 produced and exchanged in discovery or offered as initial disclosures by other parties.

24

25 DATED at Seattle, Washington, this 8th day of July, 2013.

26 PREG O'DONNELL & GILLETT PLLC

27

28 By /s/ Eric P. Gillett
29 By /s/ Justin Bolster

30

31 Eric P. Gillett WSBA #23691
32 Justin E. Bolster WSBA #38198
33 Attorneys for Defendant Spectrum Brands
34 Holdings, Inc.
35 PREG O'DONNELL & GILLETT PLLC
36 1800 Ninth Ave., Suite 1500
37 Seattle, WA 98101-1340
38 Firm Emails:
39 egillett@pregodonnell.com
40 jbolster@pregodonnell.com

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DECLARATION OF SERVICE

I hereby declare that on this day I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorneys of record listed below:

**Counsel for Plaintiffs Gerald R. Tarutis
as Lit GAL for RJS, minor child and
Svetlana and Sergey Savchuck:**

James S. Rogers, Esq. WSBA #5335
Dana A. Henderson, Esq. WSBA #32507
Elizabeth J. Donaldson, Esq. WSBA #45291
Law Offices of James S. Rogers
jsr@jsrogerslaw.com

Counsel for Defendant SS Bethel, LLC:

Carl E. Forsberg, Esq. WSBA #17025
Paul Middleton, Esq. WSBA #12113
Paul S. Smith, Esq. WSBA #28099
Forsberg & Umlauf, P.S.
cforsberg@forsberg-umlauf.com

DATED at Seattle, Washington, this 8th day of July, 2013.

PREG O'DONNELL & GILLETT PLLC

By /s/ Eric P. Gillett
By /s/ Justin Bolster

Eric P. Gillett WSBA #23691
Justin E. Bolster WSBA #38198
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